



OPINION

of the ADVISORY COMMITTEE on MERGERS
at its meeting on Monday 15 May 2023, 10:30 - 12:30
concerning a draft decision
in case M. 10807 - VIASAT / INMARSAT
(Text with EEA relevance)

RAPPORTEUR: PORTUGAL

Concentration

1. The Advisory Committee (13 Member States) agrees with the Commission that the notified transaction constitutes a concentration within the meaning of Article 3(1)(b) of the Council Regulation (EC) No 139/2004 of 20.1.2004 on the control of concentrations between undertakings (the "Merger Regulation")¹.

Market definition

Product market definition

2. The Advisory Committee agrees with the conclusions reached by the Commission in the draft Decision in relation to the definition of the following relevant product markets for:
 - a) The supply of satellite capacity; 12 Member States agree. 1 Member State abstains.
 - b) The supply of broadband IFC services to commercial aviation customers; 12 Member States agree. 1 Member State abstains.
 - c) The supply of IFC services to business aviation customers. 12 Member States agree. 1 Member State abstains.

Geographic market definition

3. The Advisory Committee agrees with the conclusions reached by the Commission in the draft Decision in relation to the definition of the relevant geographic market for the following product markets for:
 - d) The supply of satellite capacity (i.e. worldwide); 12 Member States agree. 1 Member State abstains.

¹ OJ L 24, 29.1.2004, p. 1.

- e) The supply of broadband IFC services to commercial aviation customers (i.e. worldwide, or at least EEA-wide); 12 Member States agree. 1 Member State abstains.
- f) The supply of IFC services to business aviation customers (i.e. worldwide). 12 Member States agree. 1 Member State abstains.

Competitive assessment

- 4. The Advisory Committee agrees with the Commission's assessment that the notified transaction is unlikely to significantly impede effective competition, as a result of horizontal non-coordinated effects in the market for the supply of satellite capacity. 12 Member States agree. 1 Member State abstains.
- 5. The Advisory Committee agrees with the Commission's assessment that the notified transaction is unlikely to significantly impede effective competition, as a result of horizontal non-coordinated effects in the market for the supply of broadband IFC services to commercial aviation customers. 12 Member States agree. 1 Member State abstains.
- 6. The Advisory Committee agrees with the Commission's assessment that the notified transaction is unlikely to significantly impede effective competition, as a result of horizontal non-coordinated effects in the market for the supply of IFC services to business aviation customer. 12 Member States agree. 1 Member State abstains.
- 7. The Advisory Committee agrees with the Commission's assessment that the notified transaction is unlikely to significantly impede effective competition, as a result of non-horizontal (vertical) non-coordinated effects in any of the three vertically affected markets, which are equivalent to the three affected markets resulting from horizontal overlaps discussed above. 12 Member States agree. 1 Member State abstains.

Compatibility with the internal market and the Agreement on the European Economic Area

- 8. The Advisory Committee agrees with the Commission that the notified concentration must therefore be declared compatible with the internal market and the Agreement on the European Economic Area² in accordance with Article 2(2) and Article 8(2) of the Merger Regulation and Article 57 of the Agreement on the European Economic Area. 12 Member States agree. 1 Member State abstains.

2 OJ L 1, 3.1.1994, p.3.